

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 2136**

Attorney's Docket No. 5577-306

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Doyle *et al.*

Serial No.: 09/764,844

Filed: January 17, 2001

For: **SMART CARD WITH INTEGRATED BIOMETRIC SENSOR**

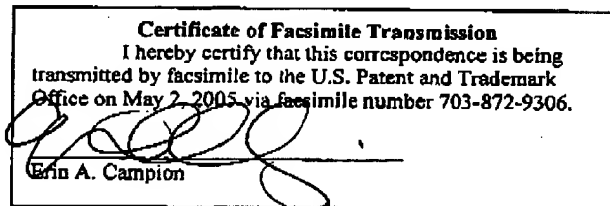
Confirmation No.: 6508

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Examiner: Carl G. Colin

Date: May 2, 2005

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Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450



TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321

Sir:

I, Elizabeth A. Stanek, am an attorney of record of the owner and disclaimant, International Business Machines Corporation and am authorized to execute this Terminal Disclaimer on behalf thereof. International Business Machines Corporation is the owner of all right, title, and interest in the above-identified application as evidenced by an Assignment recorded on January 17, 2001, at Reel 011487, Frame 0222.

The owner, International Business Machines Corporation of the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending U.S. Patent Application Serial Number 09/764,827, filed on January 17, 2001, as such term is defined in 35 U.S.C. §§154 - 156, §173, and any other relevant statutory provision, and as the term of any patent granted on U.S. Patent Application Serial Number 09/764,827 may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending U.S. Patent Application Serial Number 09/764,827. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on U.S. Patent Application Serial Number 09/764,827 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in U.S.C. §§154 – 156, §173, and any other relevant statutory provision, of any patent granted on U.S. Patent Application Serial Number 09/764,827 as the term of any patent granted on U.S. Patent Application Serial Number 09/764,827 may be shortened by any terminal disclaimer filed prior to the grant of any patent on U.S. Patent Application Serial Number 09/764,827, in the event that any such patent granted on pending U.S. Patent Application Serial Number 09/764,827: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Respectfully submitted,



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